

Claims Rejection – 35 USC § 102

Claims 1, 2, 4, 6, 7, 11, 25, 27, and 28 are rejected as being anticipated by Kitahara et al. (US 6,503,988). The Examiner further rejects claims 9, 10, 12, 13, 30, and 31 as being anticipated by Kitahara et al. (US 6,503,988) in view of evidence by Kugdo, YDB-408, Brominated Epoxy Resin. The Applicant respectfully traverses the Examiner's rejections for the reasons specified below.

The Examiner contends that Kitahara discloses, in Test Example 3, a composition identical to the fluoropolymer concentrate of the present invention. The Applicant respectfully draws the Examiner's attention to the fact that amended claim 1 relates to a solid fluoropolymer concentrate consisting of 2 components, namely a fluoropolymer and a flame retardant selected from brominated epoxy resins – with optional additives. Conversely, Kitahara discloses in Test Example 3 a composition having 3 components, namely a polycarbonate resin (col. 8, lines 61-62), a flame retarder (col. 8, lines 63-66), and a fine PTFE powder (col. 8, lines 66-67). Claims 2, 4, 6, 7, 9-13, 25, 27, 28, 30 and 31 further restricts the scope of claim 1 and are believed to be novel in view of Kitahara.

It is thus respectfully submitted that Kitahara does not teach the fluoropolymer concentrate of the invention, and it is believed that claim 1 as well as all the claims dependent therefrom are new in view of the cited prior art.

Claims Rejection – 35 USC § 103

Claims 8 and 29 are rejected as being unpatentable over Kitahara et al. (US 6,503,988). Applicant respectfully traverses the Examiner's rejections for the reasons specified below.

Kitahara et al. teach that PTFE powders have extremely poor dispersability (lines 14-33 at column 1, lines 13-21 at column 2), corroborating the starting point of the instant invention, namely the observation that PTFE is difficult to evenly disperse within resins (paragraphs 0015, 0016, 0017). Kitahara et al. aims at mitigating the problem of low PTFE dispersability by manufacturing a special powder, having particles as small as 0.05 µm and increasing density. The particles are obtained via emulsion polymerization, while surfactants are added into the latex after the reaction (col.3 line 1).

The instant invention solves the problem entirely differently, and achieves good homogeneity by mixing PTFE powder in a liquid phase of retardant, enabling to utilize any PTFE, typically comprising particles from 5 to 1000 µm (par. [0028]), so obviating the need of special fine PTFE powder. The instant invention does not rely on Kitahara's technique but can substantially take advantage of any commercially available fluoropolymer having a grain size of between 5 µm and 1,000 µm, which is less time consuming and more cost effective.

In summary, while Kitahara addresses the same technical problem as the present application, Kitahara indeed teaches away from the proposed technical solution. It is thus believed that all the claims, including claims 8 and 29, are non-obvious over the cited prior art.

Conclusion

As it is believed that the rejections set forth in the Office Action have been fully addressed by the amendments and the above explanations, favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted

/Kevin D. McCarthy/

Kevin D. McCarthy

Reg. No. 35,278

Roach, Brown, McCarthy & Gruber, P.C.
1920 Liberty Building - 424 Main Street
Buffalo, New York 14202